

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEYBANK NATIONAL ASSOCIATION,

Plaintiff,

-against-

MONOLITH SOLAR ASSOCIATES LLC, et al.,

Defendants.

Case No. 1:19-CV-1562-
DNH-ATB

**ORDER AUTHORIZING SALE OF ASSETS FREE AND CLEAR
OF LIENS AND ENCUMBRANCES**

UPON the Motion of Daniel Scouler, the Court appointed Receiver herein (the “Receiver”), dated May 28, 2021 (the “Motion”) seeking an Order permitting the Receiver to retain Steven Sbardella of 518Realty and Chris Gross of Upper Delaware Realty (the “Brokers”) as agents to market for sale certain properties belonging to the Receivership Defendants herein; and it appearing that the same is authorized under Paragraph 17 of this Court’s Order of Appointment dated December 20, 2019 [Dkt. No. 7] as modified [Dkt. Nos. 30, 96], subject to Court approval, and that retention of the Brokers to market the subject properties for sale would benefit the Receivership Property; the Court finds as follows:

A. The Court has authority to permit the Receiver to retain the Brokers to market the subject properties for sale, pursuant to the Court’s broad powers in equity to supervise the Receivership;

B. Proper and sufficient notice of the Motion has been provided. No other or further notice is required, and a reasonable opportunity to object or be heard regarding the relief requested in the Motion and the transactions pursuant thereto has been afforded to all interested persons and entities entitled to notice of the Motion. Objections, if any, to the Motion have been withdrawn or

resolved and, to the extent not withdrawn or resolved, are hereby overruled.

C. Listing for sale, and ultimately selling, the subject properties, is necessary in order for the Receiver to maximize the value of these properties, and will not prejudice any party with an interest in the subject assets. Each entity with a lien or encumbrance upon the subject assets will be paid from sale proceeds, has consented to the retention of the Brokers or did not object to the Motion and is deemed to have consented to the retention of the Brokers.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion is granted.
2. Any objections to the Motion or the relief requested therein that have not been withdrawn, waived, or settled are overruled in all respects and denied.
3. The Receiver is authorized to retain Steven Sbardella as an agent at a 6% rate of commission to market for sale the following Receivership Estate properties:
 - a. 33 Ritchie Road, Granville, New York; and
 - b. 4257 Albany Street, Albany, New York.
4. The Receiver is authorized to retain Chris Gross as an agent at a 7% rate of commission to market for sale the following Receivership Estate properties:
 - a. 135 Airport Road, Downsville, New York; and
 - b. 2275 Gordon Road, Wellsville, New York.
5. The Receiver is directed to seek further Court Order(s) approving sales of the subject properties at the appropriate time(s).

Dated: June 9, 2021



David N. Hurd
U.S. District Judge